

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRAY JIBRIL MURRAY,

Plaintiff

v.

SECRETARY JOHN E. WETZEL, *et al.*,

Defendants

Civil No. 1:17-cv-1637

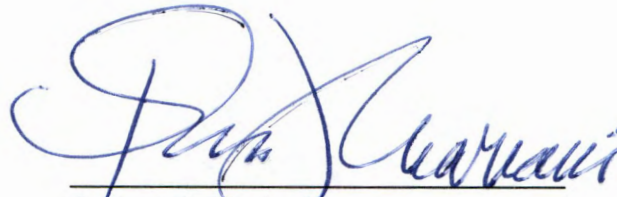
(Judge Mariani)

ORDER

AND NOW, this 23rd day of November 2021, upon consideration of Plaintiff Bray Jibril Murray's motion (Doc. 166) to alter or amend judgment under Federal Rule of Civil Procedure 59(e), and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Murray's motion (Doc. 166) to alter or amend judgment is **GRANTED**.
2. The Court's March 29, 2021 memorandum opinion (Doc. 163) and order (Doc. 164) are **VACATED in part**, as more fully explained in the accompanying Memorandum.
3. The portion of the Court's March 29, 2021 order granting defendant Loretta DeBoer's motion (Doc. 133) for summary judgment pursuant to Federal Rule of Civil Procedure 56 remains undisturbed.
4. The DOC defendants' motion (Doc. 135) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED in part** and **DENIED in part**, as follows:
 - a. The motion is **GRANTED** as to Murray's Eighth Amendment claims against DOC defendants James Marsico and George Miller.

- b. The motion is **DENIED** in all other respects.
5. The March 29, 2021 judgment (Doc. 165) entered against Murray and in favor of all defendants is **VACATED**.
6. Entry of judgment in favor of defendants Loretta DeBoer, James Marsico, and George Miller shall be **DEFERRED** pending resolution of Murray's remaining claims.
7. Murray's motion (Doc. 176) to deem his Rule 59(e) motion unopposed is **DISMISSED** as moot.
8. The Clerk of Court is directed to **REOPEN** this case.



Robert D. Mariani
United States District Judge